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9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

11 **JOSHUA ASSIFF,**

12 **Plaintiff,**

13 **v.**

14 **COUNTY OF LOS ANGELES;**  
15 **SHERIFF DEPUTY BADGE**  
16 **NUMBER 404532;**  
17 **And DOES 1 through 10,**

18 **Defendants.**

**Case No. 2:22-cv-05367 RGK (MAAx)**

**STATEMENT OF QUALIFICATION  
OF PLAINTIFF'S EXPERT AND  
EXPECTED TESTIMONY**

Action Filed: August 3, 2022  
Pretrial Conference: July 10, 2023  
Trial Date: July 25, 2023

Assigned to: Hon. R. Gary Klausner,  
District Judge, Courtroom 850

20 Plaintiff, JOSHUA ASSIFF (hereinafter "Plaintiff") hereby respectfully  
21 submits the following statement of qualification of Plaintiff's expert and expected  
22 testimony. Plaintiff expects to elicit expert testimony from Mr. Jeffrey Nobel.

23 **I. QUALIFICATIONS**

24 Mr. Nobel was a police officer in the City of Irvine for 28 years rising to the  
25 position of Deputy Chief of Police prior to his retirement. He served as an interim  
26 Deputy Chief of Police at the Westminster Police Department for nine months. He  
27 has a Juris Doctor degree, with honors, from Western State University College of  
28 Law, and he is admitted to practice law in the State of California. He has a Bachelor's

1 degree in Criminal Justice with an emphasis on Administration from California State  
2 University at Long Beach.

3 In 2014, he was part of a Carnegie Institute of Peace Think Tank for addressing  
4 police use of force in developing countries.

5 He has consulted with other police organizations on a wide range of police  
6 practices, procedures, including criminal and administrative investigations. For  
7 instance, he was retained in 2004 as an expert to review and evaluate the internal  
8 investigation conducted by the San Francisco, California, Office of Community  
9 Complaints of the case widely known as “Fajitagate” involving the indictment of  
10 seven command staff members and three officers of the San Francisco Police  
11 Department. In 2007 and again in 2009, he was retained by the City of Austin, Texas  
12 to review the police department’s internal homicide and Internal Affairs investigation  
13 of two officer involved fatal shootings.

14 He has been retained as both a defense and a plaintiff’s expert in over 300  
15 cases and have testified as an expert in state court in California, Washington,  
16 Tennessee, Connecticut, Minnesota, Illinois and New Mexico and in federal court in  
17 Illinois, Tennessee, Georgia, South Carolina, North Carolina, Virginia, Texas and  
18 California.

19 He has prepared expert reports for cases in the states of California, Washington,  
20 Pennsylvania, Georgia, Illinois, Tennessee, Idaho, Arkansas, Texas, Colorado, New  
21 York, Oklahoma, Connecticut, Florida, New Mexico, Minnesota, Ohio, Kentucky,  
22 Louisiana, Indiana, Wisconsin, Virginia, Delaware, Oregon, Arizona, New Mexico,  
23 New Jersey, Mississippi, North Carolina, South Carolina, Wyoming, Kansas and  
24 Missouri.

25 He has been retained in criminal cases involving allegations of criminal uses  
26 of force by police officers in the states of New Mexico, Delaware, Minnesota,  
27 Pennsylvania, California, Georgia, Washington, and Florida.

1 He served as an independent policy advisor to the Large City Internal Affairs  
2 Project, which was funded by the United States Department of Justice. This group  
3 consists of the 12 largest police agencies in the United States as well as a select group  
4 of independent policy advisors and academics. The project was an effort to develop  
5 national best practices in internal investigations for police agencies. He was the chair  
6 of a sub-committee whose efforts were focused on the investigation of allegations of  
7 officer misconduct. Because of this project the COPS Office published a document  
8 entitled, "Standards and Guidelines for Internal Affairs: Recommendations from a  
9 Community of Practice."

10 He has given presentations at the International Association of Chiefs of Police  
11 conference in 2004, 2009, 2012, and 2014; the national COPS conference on Internal  
12 Affairs issues and the Academy of Criminal Justices Sciences annual meeting on  
13 tactical reckless decision making in 2009; the American Psychological Association  
14 annual conference in 2013; and National Tactical Officers' Association annual  
15 conference in 2004.

16 In 2013, he gave a presentation in Mexico at the request of the Mexican  
17 government on preventing corruption in police institutions.

18 He has published 21 articles on policing which discussed the subject matters  
19 of: Internal Affairs, personnel issues, pursuits, use of force issues and investigative  
20 procedures.

21 He has published two chapters for policing textbooks on tactical recklessness  
22 and the code of silence.

23 He has co-authored, along with Geoffrey Alpert, Ph.D., a textbook on police  
24 Internal Affairs investigations titled, "Managing Accountability Systems for Police  
25 Conduct: Internal Affairs and External Oversight." This book was cited extensively  
26 in the COPS 2009 publication, "Building Trust Between the Police and the Citizens  
27 They Serve: An Internal Affairs Promising Practice Guide for Local Law  
28 Enforcement."

1 In 2020, he co-authored a textbook, "Evaluating Police Uses of Force," with  
2 Seth Stoughton and Geoffrey Alpert.

3 As a police consultant and expert witness, he has extensive experience on  
4 matters involving police investigative procedures, misconduct and corruption.

5 **II. TESTIMONY EXPECTED TO BE ELICITED**

6 Mr. Nobel is a recognized expert on police procedures and use of force.  
7 Mr. Nobel is expected to testify concerning the generally accepted police practices  
8 relevant to traffic stops and the use of force generally. He will discuss the standards  
9 of care and duties owed by law enforcement officers to motorists like Plaintiff.  
10 Particularly, Mr. Nobel will testify how Defendant Kelly and the other involved  
11 officers in the traffic stop of Plaintiff adhered to these standards, duties and practices,  
12 including:

13 1) Sergeant Kelly's failure to use de-escalation techniques was  
14 inconsistent with generally accepted police practices.

15 2) Sergeant Kelly's use of pepper spray on Mr. Assiff was objectively  
16 unreasonable, excessive and inconsistent with generally accepted police practices.

17 3) Sergeant Kelly's use of a punch to the face in these circumstances was  
18 excessive, objective unreasonable and inconsistent with generally accepted police  
19 practices.

20 4) Deputy Clark's use of a neck hold in these circumstances was excessive,  
21 objective unreasonable and inconsistent with generally accepted police practices.

22  
23 DATED: July 5th, 2023

The Law Office Of Thomas M. Ferlauto, APC

24  
25 By: \_\_\_\_\_

Thomas M. Ferlauto

26 Attorney For: Plaintiff, JOSHUA ASSIFF  
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